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MINNESOTA STATE ETHICAL PRACTICES BOARD

41 STATE OFFICE BUILDING

SAINT PAUL, MINNESOTA 55155

612-296-5148

# ADVISORY OPINIONS

JULY 1, 1977 — JUNE 30, 1978

NUMBERS 35-52



JULY 1, 1978

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NUMBERS 35-52

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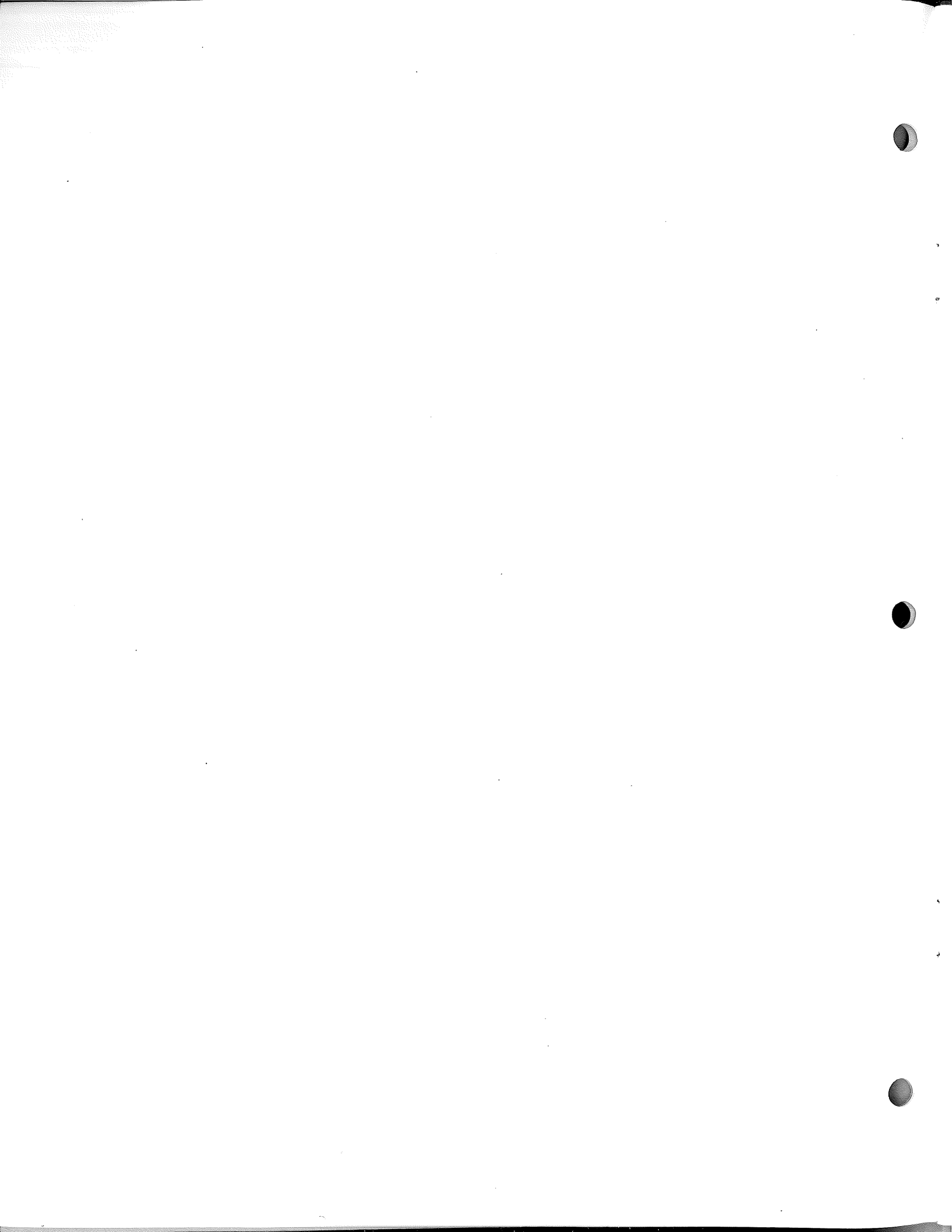
Minn. Stat. 10A.02

Subd. 12. The Board may issue and publish advisory opinions on the requirements of sections 10A.01 to 10A.34 based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide his or its own conduct. The Board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the Board agrees to extend the time limit. An advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion.

(1974 c 470 s 2; 1976 c 307 s 5-8; 1978 c 463 s 19-27, c 793 s 36)

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MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 35  
Constituent Service Expenses

Issued to:

Representative Tom Stoa  
State Office Building  
St. Paul, Minnesota 55155

Approved:

August 3, 1977

SUMMARY

35. Constituent service expenses paid from personal funds of a legislator for a legislative questionnaire or report during a non-election year and in an election year through the end of the legislative session<sup>1</sup> need not be reported to the Ethical Practices Board since they are not campaign expenditures.

TEXT

You have requested an advisory opinion from the Minnesota Ethical Practices Board based upon the following:

FACTS

As a member of the Minnesota Legislature, you would like to send a legislative questionnaire to your constituents during the non-election year. You wish to use your personal funds in lieu of the funds in the treasury of your principal campaign committee to pay the expenses of these constituent services.

QUESTION

Since expenses for constituent services in non-election years are not considered to be campaign expenses, do such expenditures need to be reported to the Ethical Practices Board if the expenditures are paid for by the legislator out of his personal funds?

OPINION

In the opinion of the Board, the answer to this question is no. Pursuant to Minn. Stat. 10A.01, Subd. 10<sup>2</sup> (1976), the Board determined in Advisory Opinion No. 24 that legislative questionnaires and newsletters are not campaign expenditures when distributed to constituents in non-election years and in election years through the end of the

<sup>1</sup>For purposes of the opinion, "legislative session" means the period from January through the day of adjournment of the legislature in an election year.

<sup>2</sup>M.S. 10A.01, Subd. 10. "Expenditure" means:

(a) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination for election or election of any candidate to office; or

(b) A transfer of funds between political committees or political funds.

"Expenditure" does not include: (a) Services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political fund; or (b) expenses incurred by a member of the legislature or a person holding constitutional office in the executive branch, in performing services for constituents. The board shall have the power to determine whether the expense was incurred primarily for the purpose of providing a constituent service or is an expenditure within the meaning of this subdivision.

legislative session. It thus follows that during a non-election year and in an election year through the end of the legislative session, the costs of legislative questionnaires and/or legislative reports need not be reported to the Board if the legislator pays such costs from his personal funds rather than from the funds in the treasury of his principal campaign committee.

However, since expenses incurred in sending legislative reports or questionnaires to constituents in an election year after the last day of the legislative session but before the November election are campaign expenditures, these expenses must be reported to the Board even if they are paid for from the legislator's personal funds.

These opinions are consistent with Advisory Opinion No. 19 which states in part as follows:

One of the functions of a legislator is to report to his constituents on possible legislative action and to obtain their opinions on matters which come before the Legislature so that he may represent them during the session. Any activities designed to enable him to fulfill that function are legitimate constituent services, even though they may have an incidental effect on the legislator's chances for re-election. Even though a Senator or Representative need not underwrite these activities from his campaign funds, there is no reason why he cannot do so if he wishes. He or the political committee making the expenditure should then report the expenditures as non-campaign expenses.

MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 36  
Conflict of Interest

Issued to:

Kennon V. Rothchild, President  
State University Board  
Room 407  
Capitol Square Building  
550 Cedar  
St. Paul, Minnesota 55101

Approved:

October 11, 1977

SUMMARY

36. It is not a conflict of interest for the spouse of the President of the State University Board to accept a contract as a "community faculty" member of Metropolitan State University.

TEXT

As a member and President of the State University Board, you have requested an advisory opinion from the Minnesota Ethical Practices Board based on the following:

FACTS

You are President of the State University Board and are required to file a Statement of Economic Interest pursuant to Minn. Stat. 10A.09 (1976). The Board is responsible for educational management, supervision, and control of the seven state universities, including Metropolitan State University. The Board has within its responsibility of management and supervision of the State University System the power to delegate administrative authority to respective university presidents who have the responsibilities for appointing and removing personnel. The President of Metropolitan State University has such authority to hire "community faculty" members who serve on a contractual basis as non-state employees. Payment for services of "community faculty" members is subject to satisfactory performance as determined by the state authorizing agency, which in the case of "community faculty" members, is the Director of Administrative Service of the University. No member of the University Board signs the contracts for "community faculty" members and, normally, the Board does not become involved in the supervision of such contracts.

At the present time, your spouse is considering accepting a contract as a "community faculty" member at Metropolitan State University for a maximum salary of \$3,000.

QUESTION

Pursuant to Minnesota Statute 10A.07, does a conflict of interest or potential conflict of interest exist? Secondly, if such a conflict or potential conflict of interest does exist, would the filing of a conflict of interest notice with the State University Board and the Ethical Practices Board permit your spouse to accept the "community faculty" contract?

OPINION

In the opinion of the Board, there is no conflict of interest or potential conflict of interest because Minn. Stat. 10A.07 (1976) requires a conflict of interest notice to be filed only by a public official "who in the discharge of his official duties would be required to take an action or make a decision which would substantially affect his financial interests or those of a business with which he is associated, unless the effect on him is no greater than on other



members of his business classification, profession or occupation." EC Rule 301 (c) defines "Business with which he is associated" as "any association in connection with which the individual is compensated in excess of \$50 except for actual and reasonable expense in any month as a director, officer, owner, member, partner, employer or employee, or is a holder of securities worth \$2,500 or more at fair market value." EC Rule 301 (e) states that "financial interest" means "any asset controlled by an individual or business which has the potential to produce a monetary return."

Even though it might appear to some persons that financial interests of a spouse are one and the same with the spouse who is a public official, the Ethics In Government Act carefully confines disclosure to the spouse who is a public official.

In answer to your second question, there is nothing in the Ethics In Government Act to prevent your spouse from accepting employment with Metropolitan State University. Even if the Board had jurisdiction to determine that there could be a conflict of interest in this circumstance, there is nothing in Minnesota Statute Chapter 10A to prevent your spouse from accepting employment with any state agency.

**MINNESOTA STATE ETHICAL PRACTICES BOARD**

**ADVISORY OPINION NO. 37**

**Transfer of Funds from a Congressional Campaign Committee  
Congressional Committees**

**Issued to:**

Senator Winston Borden  
Assistant Majority Leader  
Room 208  
State Capitol Building  
St. Paul, Minnesota

**Approved:**

November 7, 1978

**SUMMARY**

37. Excess campaign funds, from a congressional campaign committee may be transferred to a campaign committee for statewide office subject to the limitations of M.S. 10A.27, subd. 1 and provided the contributors to the congressional committee are disclosed.

**TEXT**

You have requested an advisory opinion from the Ethical Practices Board based upon the following:

**FACTS**

As a Minnesota state senator, you sought endorsement for a federal office in 1976, and registered a principal campaign committee with the Federal Elections Committee as required by federal law. Your committee has excess funds.

**QUESTIONS**

1. Under state law, can a committee for a Congressional candidate that was used for the endorsement campaign, transfer funds from that committee to a committee set up for a statewide office if the money is excess campaign funds and is registered under federal law?
2. Under state law can a committee established for a legislative race, raise campaign funds and later transfer those funds to a committee set up primarily for a statewide office?
3. If the answer to the above question is yes, what are the transfer limits for a non-election year and also for an election year transfer?
4. If campaign funds can be transferred from a Congressional or legislative committee, is it necessary to disclose the names of the contributors of the transferring committee?

**OPINION**

1. Yes. In the opinion of the Board, excess campaign funds, which are registered under federal law, may be transferred from a committee for a Congressional candidate to a committee of that candidate set up for a statewide office.

2 U.S.C. 439a provides:

Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of federal office, may be contributed by him to any organization described in section 170 (c) of Title 26 of the U. S. Code [pertaining to charitable contributions], or may be used for any other lawful purpose.

It is lawful to contribute to a committee set up for a statewide office under state law. See Minn. Stat. 10A.15 (1976). But see subdivision 3 below. Under Minn. Stat. 10A.01, subd. 7, "contribution" is defined to include "(b) A transfer of funds between political committee or political funds. . . ."

2. Yes. In the opinion of the Board, under state law campaign funds raised by a committee established for a state legislative race may be transferred to a committee set up primarily for a statewide office. Because Minn. Stat. 10A.01, subd. 7, defines "contribution" to include "(b) A transfer of funds between political committees . . ." such funds may be contributed to the committee set up primarily for a statewide office under Minn. Stat. 10A. (1976). Moreover, the transfer of funds from the legislative campaign committee would not be classified as expenditures for purposes of Minn. Stat. 10A.25 (1976). See Minn. Stat. 10A.26 (1976). But see subdivision 3 below.
3. Minn. Stat. 10A.26 provides:

**TRANSFER OF FUNDS EXCEPTED.** Any transfer of funds or anything of pecuniary value from any political committee, political fund or political party to a principal campaign committee of a candidate shall not be considered to be an expenditure of funds on behalf of the candidate by the political committee, political fund or political party, but shall be reported as required by Laws 1974, Chapter 470.

Because of that section, any amounts transferred do not count as expenditures. However, Minn. Stat. 10A.27, subd. 1 provides:

**ADDITIONAL LIMITATIONS.** Subdivision 1. No political committee, political fund, or individual, except a political party or the principal campaign committee of a candidate shall make expenditures on behalf or in opposition to the opponent of a candidate, or transfer funds to the principal campaign committee of a candidate, in an amount in excess of ten percent of the amount that may be spent by or on behalf of that candidate as set forth in section 10A.25.

Therefore, although the amount transferred does not count as an expenditure under 10A.25, the total amount that may be transferred is fixed. During an election year, the transfer is limited to ten percent of the expenditure limits contained in Minn. Stat. 10A.25, subd. 2; during a non-election year, the transfer is limited to ten percent of the expenditure limits contained in 10A.25, subd. 6, which, when computed, is two percent of the expenditure limits of 10A.25, subd. 2. This limitation applies to transfers both from a committee for a Congressional candidate as well as from a committee for a legislative candidate. Under Minn. Stat. 10A.19 (1976) a candidate may have only one principal campaign committee at one time. When an individual ceases to be a candidate for a legislative office and becomes a candidate for a statewide office, and he accordingly designates and causes to be formed a principal campaign committee for the statewide office, his previous campaign committee for legislative office ceases to be a principal campaign committee by force of law.

4. Yes. Under federal law, 2 U.S.C. 439a, excess amounts received as contributions by a candidate for federal office may be used by the candidate for any lawful purpose. Some contributions that are lawful under federal

law are prohibited under state law. For example, Minn. Stat. 210A.34 prohibits campaign contributions from any corporation doing business in this state, whereas corporate contributions are permitted under federal law.<sup>1</sup> In addition, under state law, Minn. Stat. 10A.27 limits the amount a political committee, political fund, or individual may expend or contribute on behalf of a candidate to ten percent of the limits contained in 10A.25. Disclosure of the names of the contributors of the transferring committee<sup>2</sup> is necessary to determine whether, under federal and state law, the transfer is money from a lawful source and to ensure that the contribution limits of 10A.25 have not been exceeded.

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<sup>1</sup>2 U.S.C. 441a prohibits any person from making contributions to any candidate in excess of \$1,000. Under 2 U.S.C. 431(h), a "person" is defined to include any corporation. (Note: See 2 U.S.C. 441b which provides in part that a corporation may establish a separate segregated fund to solicit voluntary contributions.)

<sup>2</sup>M.S. 10A.22 states:

Subd. 6. The treasurer of a political committee or political fund shall not accept a contribution of more than \$100 from a political committee or political fund not registered in this state unless the contribution is accompanied by a written statement which meets the disclosure requirements imposed by section 10A.20. This statement shall be certified as true and correct by an officer of the contributing committee or political fund. The provisions of this subdivision shall not apply when the national affiliate of any political party in this state transfers money to its state affiliate and that money is expended by the state political party on behalf of candidates of that party generally, without referring to any of them specifically, in any advertisement published or posted, on any broadcast, or in any telephone conversation if that conversation mentions three or more candidates.

(1974 c 470 s 22; 1976 c 307 s 35)

MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 38  
Salary and Fees

Issued to:

Wyman L. Spano  
Wyman L. Spano Public Relations, Inc.  
Butler Square  
Minneapolis, Minnesota 55403

Approved:

January 5, 1978

SUMMARY

38. An individual who is a registered lobbyist and paid a fee to prepare public relations materials is not required to disclose that portion of the fee paid to him by his employer which represents his salary, however, the registered lobbyist must report all other lobbying disbursements including the costs of preparation and distribution of lobbying materials included within the fee.

You have requested an advisory opinion from the Ethical Practices Board based upon the following information:

FACTS

Wyman L. Spano Public Relations, Inc., which you wholly own, is a public relations firm with a specialty in the field of public affairs.

A company contracts with your firm for a fee in excess of \$250 in a calendar year to coordinate and present its position by providing services including preparation of position papers, news releases, telegrams, graphs, and charts which are communicated directly or indirectly to legislators. The fee paid is your salary plus overhead and expenses of your office. You have registered as a lobbyist because you are engaged for pay and spend more than 5 hours in any month or \$250 not including travel expenses and membership dues in a year attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

QUESTIONS

1. Do you report as lobbying expenses mailings, charts, etc.?

Yes.

2. Do you report as lobbying expenses that portion of your fee which is your salary?

No.

3. Is the reporting requirement met if your employer is identified by checking "yes" on Box 11, Lobbyist Disbursement Report, "check here if you received more than \$500 in this calendar year including salary?"

Yes.

4. Must the company which hired your firm register one of its officers and report the fee paid your firm, even if no officer spent more than 5 hours lobbying?

A. If you are a registered lobbyist representing the company, the company need not register anyone else to report the fee. As a registered lobbyist, you will report only that part of the fee incurred for lobbying expenses not including salary. However, the company must report to you five days before each reporting period the following information which you must include in your report:

Lobbying expenses and any gift, honorarium, loan, item or benefit in value of \$20 or more given to any public official together with the date, amount, purpose, and the name of the public official.

- B. If you are NOT a registered lobbyist, the company must register someone and report its lobbying expenses including the total fee paid to your firm.
5. Is the amount you pay out of your fee to your employees in preparing and distributing lobbying materials to be reported as lobbying expense?

Yes.<sup>1</sup>

6. Is communicating a position in news release to the media lobbying when done during the legislative session or between sessions?

Yes, when news releases are used to advocate a position which attempt to influence legislative or administrative action,<sup>2</sup> expenses associated with preparing and distributing the releases must be reported.

7. An association employs a lobbyist and in addition hires your firm to work on public opinion about a bill. You also contact some legislators personally. Are you required to register as a lobbyist?

Yes, if you spend more than 5 hours in any month or more than \$250 (not including travel and membership dues) in a calendar year attempting to influence legislative or administrative actions by communicating with or urging others to communicate with public officials, you must register as a lobbyist.

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<sup>1</sup>EC 205 (c) (2) (aa) and (ee).

<sup>2</sup>Minn. Stat. 10A.04 (a).

MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 39  
Accounting Services

Issued to:

Representative Stephen G. Wenzel  
266 State Office Building  
St. Paul, Minnesota 55155

Approved:

January 5, 1978

SUMMARY

39. Paid accounting services for a principal campaign committee are to be reported as a campaign expenditure.

You have requested an advisory opinion from the Ethical Practices Board based upon the following information:

FACTS

You are a State Representative representing District 12B. You have a principal campaign committee, the Wenzel Volunteer Committee, Helen Gamradt, treasurer, registered with the Board. The committee reports campaign contributions and expenditures on your behalf to the Board. On behalf of yourself and the committee, you ask:

QUESTION

Can the expenses of accounting and professional bookkeeping services rendered to the committee in order for the committee to comply with reporting requirements of the Ethics In Government Act be considered a non-campaign expenditure in election and non-election years?

OPINION

No. In the opinion of the Board, expenses of accounting and professional bookkeeping services rendered to the committee in order for the committee to comply with reporting requirements of Chapter 10A are to be considered as campaign expenditures in both election and non-election years. The reports and documents required by Chapter 10A are integral parts of the political process and are "made for the purpose of influencing the nomination for election or election of any candidate to office . . ." and thus are "expenditures" within the meaning of Minn. Stat. 10A.01, subd. 10 (a) (1976).<sup>1</sup>

<sup>1</sup>Although the Board has informally determined in an earlier ruling that certain legal fees are non-campaign expenditures, this ruling was based in part on Minn. Stat. 210A.41 which provides that certain legal costs are not to "be deemed a part of the campaign expenses of any such candidate."

## MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 40  
Travel and Lodging

## Issued to:

Roland C. Amundson  
Sachs, Latz and Kirschbaum  
548 Roanoke Building  
Minneapolis, Minnesota 55402

## Approved:

December 12, 1977

## SUMMARY

40. A lobbyist must report all travel and lodging expenses except those incurred for the purpose of attending a meeting or appearing before a committee of the legislature.

You have requested an advisory opinion from the Ethical Practices Board based upon the following:

## FACTS

You are a registered lobbyist. You traveled to the states of Washington and Oregon to attend meetings wherein a Senate ad-hoc subcommittee gathered facts from members of labor and industry relating to the potential impact of mandatory deposit legislation on employment in the two states as well as the efficacy of the litter and waste control program each state operates. The material gathered by the fact finding Senate subcommittee may be considered as Senate File 1 (mandatory deposit, litter and waste control bill) is considered by the Senate. You did not testify before the committee.

## QUESTION

Are the following costs, which you incurred as a result of your attendance at briefings arranged for the subcommittee reportable lobbying expenses:

- 1) the transportation cost traveling to Seattle, Washington, from Minneapolis;
- 2) the travel cost for hired cars incurred attending various briefings;
- 3) the lodging expenses;
- 4) the meal expenses?

## OPINION

EC Rule 205 (a) (2) (hh) requires that all disbursements for travel and lodging of the lobbyist, paid by the lobbyist or paid by the lobbyist for any public official, except those incurred for the purpose of enabling the lobbyist



to attend a meeting of or to appear before a committee of the legislature be reported. Since the meetings of the subcommittee were unofficial<sup>1</sup> and fact finding without officially recognized minutes being kept, the exclusion provided by the rules does not apply to parts 1-3 of the question. With respect to entertainment, food and beverages, EC Rule 205 (2) (ff), (gg) requires a lobbyist to report disbursements for food and beverages for any public official as well as food and beverages for the lobbyist when in the company of any public official,<sup>2</sup> therefore, only the entertainment, food and beverages expenses you incurred or paid when in the company of a public official is reportable.

<sup>1</sup>Permanent Rules of the Senate provide in part:

Senate Rule 58 – Committee Meetings

58. All meetings of the Senate, its committees and subcommittees are open to the public.

To the extent practical, meetings of all committees shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, the bill or bills to be considered, the place and time of meeting. The notice shall be posted on all Senate bulletin boards in the Capitol, and the State Office Building. A notice shall be sent to the House of Representatives for posting as it deems necessary.

Senate Rule 65 – Duties of Secretary (In part)

The Secretary shall cause to be recorded on magnetic tape the proceedings of the Senate, the Committee of the Whole, each standing committee and standing subcommittee. Each tape shall be accompanied by a log showing the number of each bill considered and the places on the tape where consideration of the bill occurred. Within two working days after each day the Senate is in session the Secretary shall make a copy of the tape and corresponding log of proceedings of the Senate and the Committee of the Whole and deliver the copies to the Legislative Reference Library. Within two working days after each meeting of a standing committee or standing subcommittee the Secretary shall make a copy of the tape and corresponding log of the meeting and deliver the copies to the Legislative Reference Library. Upon completion and approval of the minutes of the meeting, a copy of the minutes shall be promptly delivered to the Legislative Reference Library. The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee or standing subcommittee, and the date on which a tape recording of the session or meeting was transmitted to the Legislative Reference Library.

<sup>2</sup>M.S. 10A.01, Subd. 8 states in part: a public official is a legislator, or a member of the Senate Research office, Senate Counsel and Secretary of the Senate.

**MINNESOTA STATE ETHICAL PRACTICES BOARD****ADVISORY OPINION NO. 41****Salaries****Issued to:**

Ms. Ethel Schaen  
Advocate for the Blind  
1745 University Avenue  
St. Paul, Minnesota 55104

**Approved:**

February 3, 1978

**SUMMARY**

41. A lobbyist is not required to disclose salary payments paid to a substitute worker for the lobbyist.

You have requested an opinion of the Ethical Practices Board as follows:

**FACTS**

As a registered lobbyist you receive funds to pay for a substitute worker while you are away from work engaging in lobbying activities on behalf of the Advocate for the Blind.

**QUESTION**

Must you report those funds received as a lobbyist disbursement?

**OPINION**

No. You are not required to disclose those funds you receive as a lobby disbursement:

1. Disclose the name and address of any source other than the association you represent as a lobbyist from which you received in excess of \$500 for lobbying purposes which includes money for a substitute worker as described.
2. Indicate on the lobbyist disbursement form, if you, as the lobbyist, received more than \$500 in the calendar year (including salary, expenses, and reimbursement as described) for lobbying purposes.

MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 42  
Registration of Union Locals

Issued to:

Robert O. Milberger  
Wood City Local 158  
1403 Avenue C  
Cloquet, Minnesota 55720

Approved:

February 16, 1978

SUMMARY

42. A union local of Minnesota is not required to register and report with the Ethical Practices Board when transferring funds from per capita dues to the operating fund of a labor organization which in turn deposits some of the operating fund in a political fund. The political fund is not required to disclose the local organizations who transferred in excess of \$50 in per capita dues to the operating fund.

You have requested an advisory opinion based upon the following:

In 1976 Wood City Local 158 contributed \$380.96 to the operating fund of the Cloquet Central Labor Union and an unreported amount to both the operating fund of the Minnesota AFL-CIO and the United Paperworkers International Union in the form of a transfer of per capita dues from union members of the local.

FACTS

The first two associations have established political funds by transferring funds from the general operating fund to a separate designated political fund and have registered these political funds with the Ethical Practices Board. The United Paperworkers International Union is not registered as a political fund with the Ethical Practices Board.

In reporting for 1976, the Cloquet Central Labor Union Political Fund reported receipt of \$380.96 from the Wood City Local 158, and you, as the treasurer of Wood City Local 158, ask:

QUESTION

Am I, as the treasurer of Wood City Local 158, required to register Local 158 as a political fund with the Ethical Practices Board?

OPINION

No. You are not required to register the Wood City Local 158 with the Ethical Practices Board because Local 158 transferred per capita dues to the operating funds and not directly into the political funds of the Cloquet Central Labor Union and the Minnesota AFL-CIO.

In addition, the Cloquet Central Labor Union Political Fund and the Minnesota AFL-CIO are not required to disclose the name of Wood City Local 158 as a major donor (in excess of \$50, in aggregate, in a calendar year) since the local did not transfer money directly to the political fund.

And further, the United Paperworkers International is not, and is not required to be, a registered political fund with the Ethical Practices Board since it did not contribute to candidates or committees or funds supporting candidates in Minnesota.

## MINNESOTA STATE ETHICAL PRACTICES BOARD

### ADVISORY OPINION NO. 43 Dollars for Democrats

**Issued to:**

Rick Scott  
DFL State Chair  
Minnesota Democratic Farmer Labor Party  
730 East 38th Street  
Minneapolis, Minnesota 55407

**Approved:**

March 24, 1978

#### SUMMARY

43. Dollars-for-Democrats may terminate its state registration and reporting provided Dollars-for-Democrats terminates its rebate program to state party units and does not raise or spend in excess of \$100 to influence the nomination or election of candidates governed by M.S. Chapter 10A, and files a termination report.

You have requested an advisory opinion of the Board based on the following:

The Minnesota Democratic-Farmer-Labor Party presently has two separate accounts. The DFL State Central Committee account is registered with the State Ethical Practices Board and reports regularly to it. The Dollars-for-Democrats committee account was first registered with the Federal Elections Commission and then later with the State Ethical Practices Board. At present, Dollars-for-Democrats committee is subject to dual reporting to federal and state agencies.

The Minnesota Democratic-Farmer-Labor Party wishes to terminate the Dollars-for-Democrats committee as a state reporting account so that the party has the one registered committee under federal law, involved in federal elections, and reporting exclusively to the Federal Elections Commission and one registered committee under Minnesota law, involved in Minnesota elections, and reporting exclusively to the State Ethical Practices Board.

#### QUESTIONS

1. How may the Dollars-for-Democrats terminate its state reporting requirements?
2. May an operating account for payment of expenses associated with operating and staffing DFL party office be established?
3. When the Federal Election Commission guidelines provide: The allocable Federal portion of administrative expenses is determined by the ratio of (a) the total amount which the Federal campaign committee received into its Federal account to (b) the total of all receipts of both the Federal and non-Federal committees, may the DFL Party adopt the federal allocation guidelines for state reporting of the DFL State Central Committee using a calendar year basis for fair-share totals and percentages?
4. Is it necessary to terminate the rebate (transfer of funds) program to State Party units from the Dollars-for-Democrats account, once state reporting for Dollars-for-Democrats ceases?
5. Is it permissible to transfer funds between the State and Federal committees of the DFL Party? If so, how may it be accomplished?
6. Is Minnesota Sessions Laws, Chapter 463, Section 65 applicable to transfers of funds to a state committee from a political committee not registered in Minnesota and located in Minnesota?

## OPINION

1. Dollars-for-Democrats may terminate its state registration and reporting provided the Dollars-for-Democrats committee registered with the Ethical Practices Board terminates its rebate (transfer of funds) program to state party units, does not raise or spend in excess of \$100 to influence the nomination or election of a state candidate required to report under M.S. Chapter 10A and submits a termination report pursuant to M.S. 10A.24, which shall indicate that the Dollars-for-Democrats committee registered with the Ethical Practices Board is terminating its activities under state law and agrees to provisions of this advisory opinion governed by M.S. 10A.

2. Yes, a separate operating account may be established.

3. (a) Since the DFL Party must be able to operate in consonance with state and federal reporting requirements, the Ethical Practices Board concurs in principle with the federal advisory opinion and will allow the DFL State Central Committee to transfer funds to an operating account established under Federal Election Commission Advisory Opinion and this opinion.

A separate operating account may be established which pays the necessary and ordinary office expenses, including payroll, telephone, building maintenance and other disbursements not related to influencing the nomination or election of candidates under M.S. Chapter 10A. Such an account is not required to register or report to the Ethical Practices Board. However, the state central DFL Committee must report the transfer of funds to a separate operating account established under this state advisory opinion and guidance rendered by the Federal Election Commission.

(b) The allocation may be made on a calendar year basis as follows: The ratio of the total amount of receipts received during the reporting year in the DFL Central Committee account to the total receipts received during the reporting year of both the DFL State Central Committee account and the Federal committee account.

4. Unless the rebate program from Dollars-for-Democrats to state political party units is terminated, the Dollars-for-Democrats will continue to be influencing the nomination or election of state candidates, and thus be subject to registration and reporting pursuant to M.S. Chapter 10A.

5. The Board has no jurisdiction to comment on transfer of funds from state to federal committees. Those questions should be addressed to the Federal Elections Commission. The state registered committee of the DFL party may accept a transfer of funds in excess of \$100 from the federally registered committee of the DFL Party which are otherwise permissible under Minnesota law provided the transfer of funds is reported and disclosed pursuant to Minn. Session Law 1978, Chapter 463, Section 65.

6. When a political committee or political fund other than the national party affiliate not registered in Minnesota contributes to the state registered DFL State Central Committee, Minnesota Session Laws, Chapter 463, Section 65 is applicable to the state committee of the Minnesota Democratic Farmer Labor party. However, Chapter 463, Minnesota Session Law, 1978, Section 65 also provides that the national affiliate of a state political party may transfer funds to its state affiliate without providing disclosure statements to the state committee.

## MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 44  
Tax Credit

## Issued to:

Rolfe A. Worden  
4344 IDS Center  
Minneapolis, Minnesota 55402

## Approved:

May 4, 1978

Eldon J. Spencer, Jr.  
1200 National City Bank Building  
Minneapolis, Minnesota 55402

## SUMMARY

44. A contribution to a political party by an individual, political committee or political fund is not a contribution to a candidate, even though the political party makes a transfer of funds from accumulated contributions of individual contributors. A contribution earmarked through a political party is a contribution to the candidate.

You have requested an advisory opinion from the Minnesota Ethical Practices Board based upon the following:

## FACTS

As counsel to the Independent-Republican Party of Minnesota, you desire to determine whether a contribution to a political party or earmarked to a candidate through a political party may be taken by the contributor as a tax credit.

You wish to provide guidance to contributors to the party on the two issues, and you ask:

- (1) Can the Independent-Republican Party represent to potential contributors to the Party that any tax credit otherwise available to the contributors will remain available if the Party from such accumulated contributions subsequently makes a campaign contribution to a state candidate who does not agree to be bound by the expenditure limits imposed by Minnesota Statutes, Section 10A.25?
- (2) Would your response to question (1) be different if the contribution to the Party were specifically earmarked by the individual contributor for contribution to the campaign of such a candidate?

## OPINION

1. Yes. It is the opinion of the Ethical Practices Board that a political party can receive contributions and subsequently transfer funds from accumulated contributions to candidates. In this circumstance contributions are made to the political party itself.<sup>1</sup>
2. Yes. It is the opinion of the Ethical Practices Board that a contribution which has been earmarked by a contributor for a candidate and directed through a political party committee is a contribution from the original source to the candidate and not to the political party.<sup>1</sup>

<sup>1</sup>Minn. Stat. 290 as amended by Chapter 463, Section 106, 107 (1978) pertains to tax credits allowed by contributions to a political party and is administered by the Commissioner of Revenue. The Ethical Practices Board has no authority to interpret Minn. Stat. 290.

## MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 45  
Child Care Payments

## Issued to:

John Cairns, Counsel  
People for Ann O'Loughlin  
Minneapolis, Minnesota

## Approved:

April 13, 1978

## SUMMARY

45. Expenses personally paid by a candidate or by a principal campaign committee of a candidate to a day care facility are not campaign expenditures. Child care payments made by the principal campaign committee shall be reported as a non-campaign disbursement. Any contribution to a principal campaign committee for child care must be accounted for and reported and disclosed as required by law.

## TEXT

You have requested an advisory opinion of the Board based on the following:

## FACTS

Ann O'Loughlin is a candidate for State Representative in District 58B. Ms. O'Loughlin has two small children. In order to campaign, both for the endorsement and for the election, Ms. O'Loughlin will be required to incur child care expenses. The expenditures will be made to a licensed day care facility. The persons paid for the child care will have no involvement in the campaign whatsoever.

## QUESTIONS

1. Are payments made for child care expenses by a candidate or principal campaign committee of a candidate an expenditure as defined by M.S. 10A.01, subd. 10?
2. Are contributions to the principal campaign committee of a candidate for child care expenses, accountable, reportable and disclosable as required by Minn. Stat. Chapter 10A?

## OPINION

1. No. Payments made to a child care facility by a candidate for child care or paid by the principal campaign committee of the candidate to the child care facility are not made for the purpose of influencing the nomination or election of a candidate. Such payments, if paid by the principal campaign committee, shall be reported as a noncampaign disbursement. Payments made directly to the child care facility by the candidate and unreimbursed by the principal campaign committee of the candidate are not required to be reported or disclosed by the principal campaign committee.
2. Yes. Any contribution made to a principal campaign committee, political committee or political fund are deemed to be made for the purpose of influencing the nomination or election of a candidate, therefore, are reported and disclosed as required by Minn. Stat. Chapter 10A.

In addition, the amount of all contributions received by the candidate which equals the amount of non-campaign disbursements do not count against the aggregate contribution limit of a candidate.

## MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 46  
Economic Interest – Tax Court Members

## Issued to:

Earl B. Gustafson, Court Administrator, Judge  
Tax Court of Minnesota  
St. Paul, Minnesota 55155

## Approved:

April 13, 1978

## SUMMARY

46. Judges of the Tax Court are not public officials as defined by Minnesota Session Laws 1978, Chapter 463, Section 15, and therefore not subject to economic interest disclosure.

## TEXT

Judge Gustafson requested an opinion of the Board based on the following:

“Effective July 1, 1977, the Minnesota Tax Court became a full time quasi-judicial position.

Under the terms of the new Act, Minn. Stat. 490.121, subd. 2 (1977), “The judges of the tax court shall be subject to the provisions of the Minnesota Constitution, Article VI, Section 6, the jurisdiction of the commission on judicial standards, as provided in Minnesota Statutes, Section 490.15 and 490.16, and the provisions of the code of judicial conduct.”

It therefore appears that we are no longer subject to the State Ethical Practices Board.

I solicit your reaction and comments.”

## QUESTION

Is a judge of the Tax Court a public official as defined by Minn. Session Laws 1978, Chapter 463, Section 15, therefore subject to economic interest disclosure?

## OPINION

Minnesota Session Laws 1978, Chapter 463, Section 15, provides in relevant part that a “public official” means any “member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals . . .” The 1977 legislature, however, made it clear that the tax court is a “court” rather than being a board or commission. Minn. Stat. 490.121, subd. 2 (1977) provides as follows:

‘Court’ means any court of this state established by the Minnesota Constitution, the tax court, and any municipal, county or probate court of record.

The law prior to 1977 had not included the term “the tax court” in the definition of court.



Although the terms "board" and "commission" are not defined in Minn. Stat. Chapter 15, those two terms are subsumed within the definition of "agency." Minn. Stat. 15.0411, subd. 2. The definition of agency explicitly excises the term "court" from its meaning. Therefore, it is clear that a "court" is not a board or commission for purposes of the new Ethics In Government Act. It also seems clear that judges of the Minnesota Tax Court are not considered "public officials" within the meaning of section 15 of the new Ethics In Government Act and, therefore, are not required to file statements of economic interest.

## MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 47  
Part-Time Hearing Examiners

## Issued to:

Duane R. Harves, Chief Hearing Examiner  
Office of Hearing Examiner  
St. Paul, Minnesota 55155

## Approved:

April 13, 1978

## SUMMARY

47. Part-time Hearing Examiners in the office of Hearing Examiner are public officials as defined by Minn. Session Laws 1978, Chapter 463, Section 15. Therefore, the examiner is required to file a statement of economic interest.

## TEXT

You have requested an advisory opinion of the Board based on the following:

The office of Hearing Examiner has statutory authority to contract with qualified persons to serve as Hearing Examiners on a part-time basis and under a Professional-Technical Consulting Contract. We have several such individuals. Some of these individuals are attorneys who have their own law practice and we have two who are professors teaching administrative law at two of the law schools in this state. My question is whether or not these part-time Hearing Examiners would be required to file economic interest disclosure statements with your office. If it is determined that they should file, kindly notify me and I will provide you with a list of their names and addresses.

## OPINION

Minn. Session Laws, 1978, Chapter 463, Section 15, provides that a public official means ". . . hearing examiner in the state Office of Hearing Examiners or Department of Economic Security . . ." Since the statute is written broadly to include any hearing examiner in the state Office of Hearing Examiner, it is the Board's opinion that part-time hearing examiners are public officials who are required to file a statement of economic interest.

MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 48  
House of Representatives Open Houses

Issued to:

Representatives Michael George and  
Jerry Knickerbocker  
House of Representatives  
State Capitol  
St. Paul, Minnesota 55155

Approved:

May 4, 1978

SUMMARY

48. Expenses paid personally by an officeholder or the principal campaign committee of the officeholder for hosting an Open House in the House Chambers after adjournment sine die of the legislature in an election year for the office held are campaign expenditures and shall be reported and disclosed as required by Minn. Stat. Chapter 10A.

You have requested an advisory opinion from the Minnesota Ethical Practices Board based upon the following:

FACTS

1. It is the policy of the House of Representatives to encourage members to host "Open Houses" in the House Chamber on Sundays during the interim between the regular legislative sessions. Such Open Houses are held under the auspices of the Office of Educational Services of the House. They frequently include a mock legislative session. The purpose of the program is to afford Minnesota citizens a greater opportunity to visit their Capitol building and the legislative chambers, and to familiarize themselves with the process by which laws are made.
2. It is further the policy of the House that such Open Houses are not permitted during the time of the regular session of the legislature, because of possible damage to the microphones and the electronic voting system.
3. The cost of publicizing an Open House is a legitimate expense payable by the House of Representatives, so long as the host member has not exhausted his/her stationery and/or postage allowance.

HYPOTHETICAL SITUATION:

1. An incumbent member of the House hosts an Open House, under the auspices of the Office of Educational Services, on a Sunday after the day of adjournment sine die in an election year.
2. Costs are incurred for press releases, letters to constituents, etc., for the exclusive purpose of publicizing the Open House and inviting and encouraging constituents to attend.
3. Nothing in any of the publicity mentions, directly or indirectly, the member's voting record, legislative proposals, "campaign pledges", etc.

You ask the following questions:

QUESTIONS

1. If the host member or his/her principal campaign committee pays all or part of such costs as outlined above, are they to be considered non-campaign disbursements, i.e., made for "a purpose other than to influence the nomination, election, or defeat of a candidate"?

2. Can it be construed by any rational person that such costs are incurred "for the purpose of influencing the nomination, election, or defeat of a candidate", i.e., campaign expenditures, in light of Fact 3 above?

#### OPINION

In response to both questions, it is the opinion of the Ethical Practices Board that the expense of providing described services for Open Houses paid personally by an officeholder and the principal campaign committee of the officeholder following adjournment of the legislature sine die in the election year for the office held, are campaign expenditures pursuant to Minn. Stat. 10A.01 10c (f).

## MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 49  
Dividends and Securities

## Issued to:

David Beauchamp  
1211 - 25th Avenue South  
Moorhead, Minnesota 56560

## Approved:

May 4, 1978

## SUMMARY

49. A public official is not required to disclose dividends from securities as a source of compensation.

You have requested an advisory opinion from the Ethical Practices Board upon the following:

## FACTS

As a public official as defined by the Ethics In Government Act, Minn. Stat. 10A.01, subd. 18 (C 463, 1978), you are required to submit a Statement of Economic Interest annually on April 15 of each year you remain in office. You ask the following questions:

## QUESTIONS

1. If you disclose securities valued in excess of \$2,500, as a security held, must you report any compensation of more than \$50 in a month from the security as a source of compensation?
2. If the value of the security is less than \$2,500, but you receive compensation of more than \$50 in a month from such security, must you report the security as a source of compensation?

## OPINION

1. No. EPB Rule 100 (f) defines compensation as:

## (f) Compensation

- (1) Compensation includes every kind of compensation for labor or personal services of every kind from any kind from any private or public employment, office, position, or occupation.
- (2) "Source of compensation" includes the name of the corporation, partnership or other entity from which the individual receives payment in compensation. An individual who is self-employed is required to list only the name of the proprietorship or description of the occupation in which the individual is self-employed (e.g., farming, practice of law as sole proprietor), and is not required to list the names of corporations, partnerships, or other entities making payments in compensation to the individual in his capacity as a self-employed individual.

Therefore, dividends cannot be construed as compensation for labor or personal services.

2. No. EPB 100 (f) does not require you to disclose a security holding of \$2,500 or less, even if you acquire more than a \$50 dividend from the security within a month.

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This opinion is based on existing rules. The rules are under revision by the Board due to the enactment of Minn. Session Laws 1978, Chapter 463; therefore, this opinion may be applicable only to this particular filing period.

## MINNESOTA STATE ETHICAL PRACTICES BOARD

ADVISORY OPINION NO. 50  
Judges of Workers' Compensation

## Issued to:

Mr. E. I. Malone  
Commissioner  
Department of Labor & Industry  
5th Floor  
Space Center Building  
444 Lafayette Board  
St. Paul, Minnesota 55155

## Approved:

May 4, 1978

50. All judges of workers' compensation must file statements of economic interest.

You have requested an advisory opinion from the Ethical Practices Board upon the following:

## FACTS

Individuals in the Workers' Compensation Division of the Department of Labor and Industry serve in positions entitled "compensation judges." You ask the following question:

## QUESTION

Must persons who serve as "compensation judges" file statements of economic interest?

## OPINION

Yes. Minn. Stat. 10A.01, subd. 18 (k), as amended, defines "public official" to include "judge of workers compensation." It is not limited to judges of the Workers Compensation Court of Appeals. Therefore, all judges of workers compensation must file statements of economic interest.

**MINNESOTA STATE ETHICAL PRACTICES BOARD****ADVISORY OPINION NO. 51****Credit Cards****Issued to:**

Larry Schwartz  
National Order Systems, Inc.  
145 West 58th Street  
New York, New York 10019

**Approved:**

May 4, 1978

**SUMMARY**

51. A candidate or treasurer of a political committee or political fund registered and reporting to the Ethical Practices Board may approve and authorize the use of television commercials wherein listeners and viewers are urged to contribute to the candidate by use of credit cards.

You have requested an advisory opinion from the Minnesota Ethical Practices Board based upon the following:

**FACTS**

You are the President of a National telephone marketing system that receives electronic media advertising responses. You desire to determine whether or not the Minnesota Ethics in Government would permit the use of electronic media and telephone response to solicit a contribution to a Minnesota candidate registered with the Minnesota Ethical Practices Board. You then ask the following question:

**QUESTION**

Is it permissible, under the laws of Minnesota, for the political candidate who uses radio or television commercials to invite listeners or viewers to phone in a contribution and charge that contribution to his BankAmericard, VISA or Master Charge credit card?

**OPINION**

Yes. In the opinion of the Board, such business service is permissible under the Minn. Stat. Chapter 10A, as amended by Minn. Sessions Laws 1978, Chapter 463 and 793, provided all requirements of law are fulfilled.

Upon receipt of copies of the revised law, a copy will be forwarded to you for your information. You may wish to consult an attorney in this state in reference to other laws which may be applicable to your question.

## MINNESOTA STATE ETHICAL PRACTICES BOARD

### ADVISORY OPINION NO. 52 Constituent Services

**Issued to:**

Representative Raymond J. Albrecht  
State Office Building  
St. Paul, Minnesota 55155

**Approved:**

June 12, 1978

#### SUMMARY

52. The fundamental criteria for determining whether an expense for constituent service paid by a candidate or a principal campaign committee of a candidate shall be considered a campaign expenditure or a non-campaign disbursement is the period of time in which constituent services are provided, used, or consumed. Generally, payments by a candidate or a principal campaign committee of a candidate after adjournment sine die of the legislature in an election year are campaign expenditures. The use of legislatively appropriated funds to pay for constituent services after adjournment sine die of the legislature is not a campaign expenditure.

You have requested an advisory opinion from the Minnesota Ethical Practices Board based upon the following:

#### FACTS

Raymond J. Albrecht is a representative from District 23A. In election and non-election years Representative Albrecht from time to time provides services to his constituents. In an election year after adjournment sine die of the legislature, you desire to provide certain informational services to constituents. You then ask the following questions:

#### QUESTIONS

1. What criteria, if any, are used to determine whether an expense is made for the purpose of influencing an election (i.e., a campaign expenditure) or for any other purposes (i.e., a non-campaign disbursement)? Is the determination based upon: the item's content (e.g., is it informative or political); to whom it is sent (e.g., to a constituent or the media); its time of release or use (e.g., before or after adjournment); or who pays for it (e.g., the candidate or his campaign committee)?
2. Are news releases, press statements, speeches, radio beepers, photographs, editorial columns and letters to the editor which do not mention the member's voting record, legislative programs, "campaign pledges", etc., which are sent by a legislator to the media after adjournment considered to be a campaign expenditure and subject to the reporting requirements? What, if any, of these items are sent to constituents?
3. Are other informative materials (i.e., materials which do not mention the member's voting record, etc.) such as a bill, map, legislative manual, news clipping, data from a state department or agency, state department or agency rules and regulations, a film (e.g., "Legislatures Today") or a pamphlet (e.g., "How A Bill Becomes A Law") which are sent by a legislator to a constituent after adjournment considered a campaign expenditure and subject to the reporting requirements?
4. Are informative letters (i.e., ones which make no reference to the member's voting record, etc.) which are sent to a constituent after adjournment considered a campaign expenditure? What if they are sent in response to a constituent's letter or request? What if that constituent's letter or request is received after adjournment?
5. If any of the items mentioned in questions 2, 3, and 4 are considered a campaign expenditure, must the legislator include the cost of stationery and/or stamps provided as part of his allotment by the legislature? Must he also include the cost of having such material typed by a secretary who is employed by the legislature?



6. Under any of the above circumstances, does it matter if the legislator is not seeking re-election? What if he is seeking election to another office?
7. What if any of the items mentioned above are sent to residents of a district other than the legislator's?

### OPINION

#### Pertinent Statutory Authority

Minn. Stat. 10A.01, Subd. 3; Minn. Stat. 10A.01, Subd. 10; Minn. Stat. 10A.01, Subd. 10c.

### OPINION

1. Based on Minn. Stat. 10A.01, subd. 10 and Minn. Stat. 10A.01, subd. 10(c)(f), the fundamental criteria for determining whether an expense for constituent service shall be considered a campaign expenditure or non-campaign disbursement is the period of time in which service to a constituent is provided, used or consumed. The law provides that a candidate or a principal campaign committee may pay for constituent service expenses up to sine die adjournment without those expenses being considered campaign expenditures, even though the major purpose of a principal campaign committee is to receive contributions and make expenditures, which are used to influence the nomination or election of a candidate. After adjournment sine die of the legislature in an election year, regardless of whether the candidate or principal campaign committee of the candidate pays for constituent services, such expenses are campaign expenditures and are reportable as required by Minn. Stat. Chapter 10A. In the opinion of the Board, funds approved by resolution of the legislature<sup>1</sup> and appropriated<sup>2</sup> for its membership are not reportable by a principal campaign committee because funds appropriated for a legislator's office expenses are for official business purposes of the legislator and are not for influencing the nomination or election of a candidate. The Board has no constitutional or statutory authority to regulate state funds which are appropriated by the legislature for its membership.
2. No. News releases, press statements, speeches, radio beepers, individual photographs of a legislator, editorial columns and letters to editors which are paid for by legislatively appropriated funds and related to official legislative business need not be reported as campaign expenditures; however, a candidate's use of personal funds to pay such expenses or payments by a principal campaign committee of a candidate for such expenses after sine die adjournment of the legislature in an election year for the office held are campaign expenditures whether sent to a constituent or to the media.
3. No. Informative materials provided to a legislator by the State through legislatively appropriated funds, such as a bill, map, legislative manual, news clipping, data from a state agency or department, a state department or agency rule, a state film, or a state publication, which are sent at government expense to a constituent after adjournment sine die of legislature in an election year, are non-campaign disbursements. The cost of the materials is not a donation in kind to the principal campaign committee of the candidate. However, the costs of mailing such items after adjournment sine die of the legislature if paid by a candidate or a principal campaign committee of a candidate are campaign expenditures.
4. Informative letters mailed to a constituent which are paid for by legislatively appropriated funds are non-campaign disbursements even though the letter is sent after adjournment sine die of the legislature, as long as such a letter relates to official business of the legislator. Additionally, a letter responding to a constituent initiated request that is related to official legislative business may be reported as non-campaign disbursement after adjournment sine die of the legislature in an election year for the office held, even though the candidate or the principal campaign committee pays the costs of stationery and postage.

<sup>1</sup>House Concurrent Resolutions

January 10, 1977

February 7, 1977

Senate Resolutions

January 4, 1977

January 27, 1977

February 10, 1977

April 14, 1977

May 23, 1977

March 24, 1977

<sup>2</sup>Chapter 455, Section 2, 1977 Session Laws

5. No. Stationery, stamps, legislative staff or a legislative secretary which is provided each legislator for official legislative business is not reportable as a campaign expenditure even though the use of legislatively appropriated funds for constituent service occurs after adjournment sine die of the legislature for the office held in an election year.
6. If an incumbent office holder decides not to run for re-election, all costs incurred by the office holder or his or her principal campaign committee will be treated as non-campaign disbursements. If an incumbent office holder runs for election to another office, he or she may still have non-campaign disbursements relating to services performed for his or her old constituency. All costs incurred in the campaign for the new office should be reported as campaign expenditures.
7. In the opinion of the Board, the cost of sending letters, bills, maps, news clippings, data from state agencies, and other informative material paid for by legislatively appropriated funds is a non-campaign disbursement even if sent to individuals outside the district. If the candidate or the principal campaign committee pays for the expenses after adjournment sine die of the legislature in an election year for the office sought or held, then costs of sending information to individuals outside the district are reportable by the principal campaign committee and are campaign expenditures.